

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:08CR206
)	
Plaintiff,)	
)	
vs.)	
)	
TRENTON SMITH,)	PRELIMINARY ORDER
)	OF FORFEITURE
)	
Defendant.)	

This matter comes on before the Court upon the United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 60). The Court reviews the record in this case and, being duly advised in the premises, finds as follows:

1. The Defendant has entered into a Plea Agreement, whereby he has agreed to plead guilty to Counts II and III of the Indictment. Count II charges the Defendant with being in possession of unregistered firearms, a violation of 26 U.S.C. § 5841, 5861(d) and 5871. Count III of the Indictment charges the Defendant with using a STEN MK II, Long Branch model, 9mm machine gun, serial number 3L4941, and an ITHACA, Model 37 Featherlight, .12 gauge shotgun, on the basis they were firearms involved or used in the knowing commission of the offense charged in Count II.

2. By virtue of his plea of guilty, the Defendant forfeits his interest in the subject properties, and the United States should be entitled to possession of said properties, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

IT IS ORDERED:

A. The United States' Motion for Issuance of Preliminary Order of Forfeiture (Filing No. 60) is hereby sustained.

B. Based upon Count III of the Indictment and the Defendant's plea of guilty, the United States is hereby authorized to seize the STEN MK II, Long Branch model, 9mm machine gun, serial number 3L4941, and an ITHACA, Model 37 Featherlight, .12 gauge shotgun.

C. The Defendant's interest in said properties is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).

D. The aforementioned forfeited properties are to be held by the United States in its secure custody and control.

E. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official Government internet site (www.forfeiture.gov) notice of this Order, Notice of Publication evidencing the United States' intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the Defendant, having or claiming a legal interest in any of the subject forfeited property must file a Petition with the court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier.

F. Said published notice shall state the Petition referred to in Paragraph E., above, shall be for a hearing to adjudicate the validity of the Petitioner's alleged interest in the properties, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in the subject properties and any additional facts supporting the Petitioner's claim and the relief sought.

G. The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the properties subject to this Order as a substitute for published notice as to those persons so notified.

H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 14th day of April, 2009.

BY THE COURT

s/Laurie Smith Camp
United States District Judge